

REMARKS

Claims 1 and 12 have been amended to remove 'acacia gum.' Also, Claim 12 has been amended to correct a typographic error. Accordingly no new material has been added. Claims 1-32 remain pending.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 1-3, 8-9, 11-12, 17-18, 20-23, 25, 28, 30-32 under § 102(b) in view of Steele *et al* (WO 83/00278). In particular, the Examiner contends that Steele *et al* discloses a peanut having a coating comprising acacia gum. Because Claim 1 no longer recites 'acacia gum', Steele *et al* does not disclose all the limitations of Claim 1. Accordingly, the Applicants respectfully submit that independent Claim 1 and all claims dependent therefrom, namely, 1-3, 8-9, 11 and 31, are not anticipated by Steele *et al*.

With respect to Claim 12, the Examiner contends that Steele *et al*. discloses a method for producing a peanut with an edible coating comprising the steps of: applying a solution comprising acacia gum; and roasting the solution on the surface of the nut. Because Claim 12 no longer recites 'acacia gum', Steele *et al* does not disclose all the limitations of Claim 12. Accordingly, the Applicants respectfully submit that Claim 12 and all claims dependent therefrom, namely, 17-18, 20-23, 25, 28, 30 and 32, are not anticipated by Steele *et al*.

In addition to the arguments above, the Applicants note that Claims 1 and 12 recite specific selected compounds. Steele *et al*. discloses filmogenic compositions comprising broad groups of compounds including all nutritionally acceptable cellulose derivatives, and all nutritionally acceptable dextrans. In contrast, Claims 1 and 12 recite an edible film comprising a *specific* dextrin, namely, maltodextrin; or *specific* cellulose derivatives, namely, hydroxypropylmethyl cellulose (HPMC), hydroxypropyl cellulose (HPC), methyl cellulose (MC), carboxymethyl cellulose (CMC), and ethylmethyl cellulose (EMC). Moreover, the specific cellulose derivatives are selected on the basis of their protective capabilities, and the specific dextrin (maltodextrin) is selected on the basis of its physicochemical properties.

Also, the Applicants note that Steele *et al* recites a method different from Claim 12 of the present application. Steele *et al* recites a method comprising: (a) tumbling raw, blanched peanuts with pre-gelatinized starch for a period of time to uniformly coat the peanuts; (b) applying an aqueous solution of hydrophilic colloid film former to the starch-coated peanut; (c) applying particulate seasoning materials comprising peanut skin, sugar, sodium chloride while coating is tacky; and (d) roasting the resulting coated peanuts. In contrast, the present application discloses a method comprising: (a) applying a filmogenic solution that comprises an edible compound selected from the group consisting of hydroxypropylmethyl cellulose (HPMC), hydroxy propyl cellulose (HPC), methyl cellulose (MC), carboxymethyl cellulose (CMC), ethylmethyl cellulose (EMC), maltodextrin (MD), a lipid or a combination of various lipids, and their mixtures, on the surface of a nut to be coated; and (b) drying the filmogenic solution deposited on the surface of said nut to be coated. Accordingly, the method disclosed in the present application is different from the method disclosed in Steele *et al*.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected dependent Claims 4-7, 10, 13-16, 19, 24, 26-27, and 29, under 35 U.S.C. § 103 (a). However, as noted above, independent Claims 1 and 12 are patentable over the cited reference and are therefore nonobvious. Claims 4-7, 10, are dependent from Claim 1; Claims 13-16, 19, 24, 26-27, and 29 are dependent from Claim 12. Dependent claims are nonobvious if the independent claims from which they depend are nonobvious. *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). In addition, each of the dependent claims are further distinguished as patentable in that they each recite other novel and nonobvious features in combination with those of their respective independent claims. Accordingly, the Applicants respectfully submit that all claims dependent from Claims 1 and 12, namely, Claims 4-7, 10, 13-16, 19, 24, 26-27, and 29 are nonobvious under 35 U.S.C. § 103 (a).

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather,

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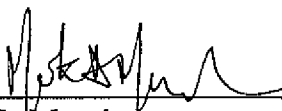
any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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